

Exhibit “1”

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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NEW YORKERS FOR RELIGIOUS LIBERTY, INC.,
GENNARO AGOVINO, CURTIS CUTLER, LIZ
DELGADO, JANINE DEMARTINI, BRENDAN
FOGARTY, SABINA KOLENOVIC, KRISTA O'DEA,
DEAN PAOLILLO, DENNIS PILLET, MATTHEW
RIVERA, LAURA SATIRA, FRANK SCHIMENTI,
JAMES SCHMITT, individually and on behalf of all
other persons similarly situated,

Case No. 1:22-cv-00752

Plaintiffs,

- against -

THE CITY OF NEW YORK; ERIC ADAMS, in his
official capacity as Mayor of the City of New York,
DAVE CHOKSHI, in his official capacity as Health
Commissioner of the City of New York, and ROBERTA
REARDON, in her capacity as New York State
Commissioner of Labor,

Defendants.
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DECLARATION OF CURTIS CUTLER

CURTIS CUTLER declares as follows, pursuant to 28 U.S.C. § 1746:

1. My name is Curtis Cutler and I am a plaintiff in the above-referenced case.
2. I live in Staten Island, New York, and was employed by the New York City Department of Sanitation (DSNY) as a Sanitation Worker since 2014.
3. I respectfully submit this Declaration in support of Plaintiffs' Motion for a Preliminary Injunction.
4. I know the facts stated herein to be true based upon my personal knowledge, except for

statements which are made on information and belief, and as to those, I verily believe them.

5. After the Citywide Appeals Panel denied my appeal of the DSNY's denial of my religious exemption request, the DSNY forced me to either extend my leave without pay and health insurance for a limited time (while waiving my right to sue), resign (while keeping my health insurance for a limited time but waiving my right to sue), or be terminated.
6. I did not want to leave my job, but I felt I had no choice but to resign because I refuse to be vaccinated in violation of my religious beliefs. I needed the money in order to take care of my family and I did not want a termination on my record that might affect my future job prospects.
7. Even though I filled out a resignation form on February 11, 2022 and stated that I was resigning under duress, it was never processed because the same day I notified DSNY in writing that I changed my mind.
8. A true and correct copy of this notice is attached as Exhibit A.
9. That same day I received a notice stating that my employment with DSNY was terminated, effective February 11, 2022.
10. A true and correct copy of this termination notice is attached as Exhibit B.
11. Upon information and belief, I could be reinstated if I get vaccinated in violation of my religious beliefs, and upon information and belief, other City employees whose religious exemption requests have been denied have gotten vaccinated after their termination and been reinstated.
12. Last year, my wife and I bought our first home. We are now unable to afford the mortgage and have been forced to put our house on the market and relocate. My relocation will cause

significant harm to my church community, as I am the sole Deacon of Tottenville Evangelical Free Church.

13. In role, I field all calls to the church, collect and count the church offerings, prepare the table for Holy Communion, provide assistance to widows in the congregation, and take care of the church grounds and building.

14. Earlier this month, my son had to go to the hospital for a collapsed lung, but I had no health insurance to pay for it due to my termination.

15. My family depends on my income, and I cannot otherwise assure their health and sustenance.

16. I therefore face immense pressure every day to decide between my faith and my job.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 8, 2022

A handwritten signature in black ink, appearing to read "C. S. Cutler", written over a horizontal line.

By: Curtis Cutler

Exhibit “A”

Resignation Withdrawal

Curtis Cutler

February 11, 2022

Reference # 1456276

Badge 19133

To whom it may concern:

I Curtis Cutler have chosen to not resign or vest out but let the city take its unlawful action of termination. I have done nothing that would deem the city's actions legal or necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Cutler', with a long, sweeping horizontal line extending to the right.

Curtis Cutler

Exhibit “B”

Javier D. Lojan
Director
Bureau of Administration

Acting Executive Director of
Human Resources

New York City
Department of Sanitation
59 Maiden Lane
5th Floor
New York, NY 10038

February 11, 2022

VIA EMAIL & OVERNIGHT MAIL

Curtis Cutler
Reference #: 1456276
[REDACTED]
Staten Island, NY 10307
[REDACTED]

Re: Notice of Termination Effective February 11, 2022

Dear Curtis Cutler:

You have previously received notice regarding your failure to comply with the New York City Health Commissioner's Order requiring vaccination of all City of New York employees. Compliance with this Order is a condition of employment. Our records indicate that you have not complied with the Order despite numerous notifications and opportunities to do so. Accordingly, your employment with the City of New York is being terminated, effective February 11, 2022.

Your health insurance will terminate effective **February 11, 2022**. You should receive a COBRA health coverage package via mail. If you have any questions related to the COBRA health insurance coverage, you can visit <https://www1.nyc.gov/site/ohr/index.page> for more information. For inquiries related to your ceased employment with DSNY, you can email AskDsnYHR@dsnY.nyc.gov, and DSNY HR personnel will be able to assist you.

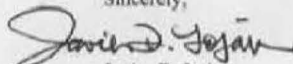
All Department-assigned equipment, including ID/badges/parking permits, must be returned to your work location immediately. If your ID has been lost or stolen, you must obtain a police report and a \$10 money order payable to the NYC Department of Sanitation. Both documents must be submitted to DSNY, Human Resources, 59 Maiden Lane, 5th Floor, New York, NY 10038.

o Sanitation Workers: any lost badges require a police report and \$45 money order payable to the NYC Department of Sanitation.

o Sanitation Supervisor: any lost badges require a police report and \$68 money order payable to the NYC Department of Sanitation.

Please note: The DSNY Payroll Unit will not process a lump sum payment for any remaining time balances until all Department of Sanitation property has been returned and/or paid for.

Sincerely,


Javier D. Lojan